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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 MOSES CLARK,
12 Petitioner,
13 v.
14 GLEN E. PRATT,¹
15 Respondent.
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Case No. 2:22-cv-02132-FWS-PD

**ORDER ACCEPTING
FINDINGS, CONCLUSIONS,
AND RECOMMENDATION OF
UNITED STATES
MAGISTRATE JUDGE AND
DENYING CERTIFICATE OF
APPEALABILITY**

19 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the
20 records on file, the Report and Recommendation of United States Magistrate
21 Judge (“Report”), and Petitioner’s Objections to the Report.

22 In his Objections, Petitioner does not challenge any portion of the
23 Report. Instead, he refers to a motion to disqualify that he filed in a civil
24 rights action, [*Clark v. Gamble*, No. 22-00641-JVS (PD), ECF No. 6 (C.D. Cal.
25 filed Jan. 24, 2022)], and argues that the Magistrate Judge and the District
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27 ¹ Glen E. Pratt is the warden of the California Rehabilitation Center, where
28 Petitioner is housed, and is substituted in under Federal Rule of Civil Procedure
25(d) as the proper Respondent.

1 Judge should be disqualified. [See Dkt. No. 6 at 1.] The Court has already
2 denied the motion to disqualify in that case [see *Clark*, No. 22-00641-JVS
3 (PD), ECF No. 7], and Petitioner asserts no new facts or arguments to show
4 why disqualification is warranted in this one.² Thus, even if the Court were
5 to construe Petitioner's Objections as a motion to disqualify, the Court would
6 deny the motion for the same reasons it denied the corresponding motion to
7 disqualify in his civil rights action. [See *Clark*, No. 22-00641-JVS (PD), ECF
8 No. 7.]

9 Having reviewed all the relevant materials, the Court orders as follows:

- 10 1. The Court accepts the Report and adopts it as its own findings and
11 conclusions.
- 12 2. The Petition is denied, and for the reasons set forth in the Report,
13 grounds one and two in the Petition are dismissed with prejudice,
14 and ground three is dismissed without prejudice.
- 15 3. For the reasons stated in the Report, the Court finds that Petitioner
16 has not made a substantial showing of the denial of a constitutional
17 right and, therefore, a certificate of appealability will not issue in
18 this action. See 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-*
19 *El v. Cockrell*, 537 U.S. 322, 336 (2003).

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21 DATED: June 10, 2022



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23 FRED W. SLAUGHTER
24 UNITED STATES DISTRICT JUDGE
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27 ² Petitioner appealed the denial of the motion to disqualify. [See *Clark*, No. 22-
28 00641-JVS (PD), ECF No. 9.] On May 27, 2022, the Ninth Circuit dismissed the
appeal as "frivolous." [See *id.*, ECF No. 14.]